

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of an Investigation Regarding
Qwest's Compliance with Section 271 of the
Telecommunications Act of 1996 with
Respect to the Provisions of InterLATA
Services Originating in Minnesota

PUC Docket No. P-421/CI-96-1114
OAH Docket No. 12-2500-14473-2

In the Matter of a Commission Investigation
into Qwest's Compliance with Section
271(c)(2)(B) of the Telecommunications Act
of 1996; Checklist items 3, 7, 8, 9, 10, and
12

PUC Docket No. P-421/CI-01-1370
OAH Docket No. 12-2500-14485-2

In the Matter of a Commission Investigation
into Qwest's Compliance with Section
271(c)(2)(B) of the Telecommunications Act
of 1996; Checklist items 1, 2, 4, 5, 6, 11, 13,
and 14

PUC Docket No. P-421/CI-01-1371
OAH Docket No. 7-2500-14486-2

In the Matter of a Commission Investigation
into Qwest's Compliance with Section 272 of
the Telecommunications Act of 1996's
Separate Affiliate Requirement

PUC Docket No. P-421/CI-01-1372
OAH Docket No. 7-2500-14487-2

In the Matter of a Commission Investigation
into Qwest's Compliance with Section
271(d)(3)(C) of the Telecommunications Act
of 1996 That the Requested Authorization is
Consistent with the Public Interest,
Convenience and Necessity

PUC Docket No. P-421/CI-01-1373
OAH Docket No. 6-2500-14488-2

In the Matter of a Qwest's Statement of
Generally Available Terms (SGAT) Pursuant
to Section 252(f) of the Telecommunications
Act of 1996

PUC Docket No. P-421/CI-01-1374
OAH Docket No. 12-2500-14489-2

In the Matter of the Commission's Review
and Investigation of Qwest's Unbundled
Network Element (UNE) Prices

PUC Docket No. P-421/CI-01-1375
OAH Docket No. 12-2500-14490-2

SECOND PREHEARING ORDER

These matters came on for a motion hearing before Administrative Law Judge Steve M. Mihalchick on October 11, 2001, to consider the Department's Motion to Suspend the Timeframes and other issues. The motion hearing was conducted by telephone conference.

The following persons noted their appearances:

Jason Topp and Robert E. Cattenach, for Qwest Corporation.

Tony Mendoza, Deputy Commissioner; Peter Marker, Ginny Zeller, Priti R. Patel, and Steve Alpert, Assistant Attorneys General; and Greg Doyle, Analyst; for the Department of Commerce.

Thomas Bailey, Assistant Attorney General, for the Office of the Attorney General, Residential Utility and Small Business Division.

Lesley Lehr for MCI WorldCom, Inc.

Rebecca Liethen, for Time-Warner Telecom of Minnesota, LLC.

Steven Weigler, Janet Brown, and Sandra Hofstetter for AT & T.

Megan J. Hertzler for the CLEC Coalition.

Megan Doberneck for Covad Communications Company.

Donald A. Low for Sprint Communications Co. L.P.

Karen L. Clauson for Eschelon Telecom, Inc.

Mark Oberlander, Analyst, for the Public Utilities Commission staff.

Based upon the record and argument of counsel, the undersigned Administrative Law Judges make the following:

ORDER

1. The announced delay of a few weeks in the ROC OSS Final Report, and consequential delay of about a month in Qwest filing its 271 Application, allow for some additional time in the schedule. However, the serial release of draft portions of the report allows the parties to analyze and prepare comments on the report well before the Final Report is issued. The now-settled state employees' strike made several analysts for the Department unavailable on October 1, 2001, just when Qwest's initial filings were made, and for two weeks thereafter. Because of the importance of the Department's analysis to the public interest, this also justifies some minor slippage of the schedule. Therefore, the schedule for these matters is revised as shown on the attached **QWEST 271 APPLICATION, Schedule as of October 18, 2001**.

2. The issue of whether Qwest has met the threshold requirements for following "Track A" under 47 USC § 271(c)(1)(A) shall be addressed in Docket 1373, the "Public Interest" docket. Dockets 1370 and 1371, the Checklist Items dockets, shall proceed under the assumption that the Track A requirements have been met. Docket 1373 is reassigned to Administrative Law Judge Allan W. Klein.

3. AT&T requested that a protective order be issued imposing stricter limitations than the terms of the Protective Agreement entered into in ***In the Matter of a Generic Investigation of U S West Communications, Inc.'s Cost of Providing Interconnection and Unbundled Network Elements***, as modified by subsequent Orders Directing Production of Vendor Proprietary Information in that matter; PUC Docket Nos. P-442, 5231, 3167,466, 421/C1-96-1540; OAH Docket No. 12-2500-10956-2. The parties have been directed to confer on AT&T's request and, if possible, submit a protective order with terms agreeable to the parties. If agreement can not be reached as to particular issues, the parties shall submit their own proposed language and argument by November 15, 2001.

Dated: October 18, 2001

/s/ Steve M. Mihalchick
STEVE M. MIHALCHICK
RICHARD C. LUIS
ALLAN W. KLEIN
Administrative Law Judges